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From:

Sent: Tuesday, February 16, 2010 9:50:19 AM

To:

Cc:

Subject: RE: TMP designation

If the kicked out partner was a member-manager for the year of audit, he is automatically the TMP under the largest profits interest rule. Treas. Reg. 301-6231(a)(7)-2 and -1(m).

Issue a generic TMP NBAP and FPAA in addition to notices to this specifically named TMP. Also, issue notices directly to the indirect partners. The bankruptcy of the tier entity through which they held their interests does not convert them out. See Third Dividend Dardanos v. Commissioner, 96-2 USTC 50,385 (9th Cir).

You don't need a TMP for audit purposes if the partnership controller is providing all the needed information.